

CALL TO ORDER

Mayor Wunder called the meeting to order at 7:00 p.m. and stated that in compliance with the “Open Public Meeting Act” this is a Regular Meeting of the Township Committee as published in the Hunterdon Review, the agenda has been posted at the Municipal Building and distributed to the Hunterdon Review, Courier News, the Express Times, the Hunterdon County Democrat and the Star Ledger.

FLAG SALUTE

Mayor Wunder asked everyone to stand for the Flag Salute and for a Moment of Silence.

ROLL CALL

Present - Brian Wunder Patricia Schriver Francis Morrison
 Ron Milkowski Tom McKee

Absent-

Also Present - Attorney Dick Cushing, Clerk Karen Sandorse and 13 members of the public.

The Recorder was not working during the entire meeting.

PRESENTATION OF MINUTES

Minutes of the Regular Meeting of January 18, 2012

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the regular meeting of January 18, 2012.

Minutes of the Executive Session of January 18, 2012

Motion by Mr. Milkowski, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved minutes of the executive session of January 18, 2012.

PUBLIC COMMENTS – for agenda items only.

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the public comment portion of the meeting.

Mr. Anthony Casale asked if there are additional costs to the Township since the plans for the Garage Project have been altered from the original specifications. Mr. Milkowski stated that there were no additional costs.

Mr. Dewey Polt stated that he offered the Township his property to save taxpayer's money. He noted that if the Committee does not agree, he understands. Mr. Polt stated that his building has a fueling station and five bays, which can be used. Mr. Polt feels that it is a waste of taxpayer's money to build something that you already have in place. Mr. Polt stated that there are two tanks, one was installed in 1988 and the other in 1990. A tank tightening test is to be done in April.

Mr. E. J. Skidmore stated that he agrees with a letter submitted to the Township Committee by the DPW Manager, Warren Gabriel. He encouraged the Committee to proceed with constructing the five bays at the DPW site. Mr. Skidmore stated that based on the fueling stations cost, feels that it may be cost effective not to put a fueling station at the DPW site.

Mr. Warren Newman stated that he was involved with the DPW Garage planning a while back and asked the Committee if they considered the cost associated with environmental assessments. Mr. Milkowski stated that if the Phase I comes back clean then a Phase II will be conducted.

Mr. Polt stated that he takes issue with anyone stating that his property has environmental issues and asked if the DPW site has ever been tested for environmental issues. Mr. Polt suggested that the Township Committee move the DPW facility to his property and cleanup the present site.

Mr. Angelo Paparella of Dewey Lane stated that has lived in Township for one year and was concerned about the bus company being down the street however, things have been alright. Mr. Paparella stated that he was pleasantly surprised at what a great job the DPW does in the Township. Mr. Paparella stated that he is concerned about tax rates but feels that the Polt offer should be considered but environmental issues should be looked into first.

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee closed the public comment portion of the meeting.

RESOLUTIONS

Resolution No. 25-2012 – Sustainable Raritan River Initiative

Motion by Ms. Schriver, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 25-2012 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 25-2012
A RESOLUTION OF LEBANON TOWNSHIP, NJ TO SUPPORT IN CONCEPT
THE SUSTAINABLE RARITAN RIVER INITIATIVE**

WHEREAS, the Raritan River is an asset to the region and to Lebanon Township and it would benefit the community to increase awareness and use of the River via local access points and trails, and
WHEREAS upgrades to current river access points are desirable and the need for ongoing plans for development of future recreational uses are of value to Lebanon Township, and
WHEREAS protection and preservation of habitat and biodiversity in our river ecosystem will provide recreational and natural assets to Lebanon Township, and
WHEREAS the goals of restoration, rehabilitation and regeneration of compromised areas of lands in public ownership will benefit present and future residents, and
WHEREAS best management practices for habitat enhancement in the maintenance and management of open space area available and when applied would benefit various departments of Lebanon Township government, and the quality of life to all Lebanon Township residents, and
WHEREAS, properties that are deemed brownfields because they are contaminated, abandoned or underutilized, detract from the economic vitality of active businesses, and need attention to be remediated and returned to valued uses, and,
WHEREAS, practices to prevent future pollution are known and could be applied for the benefit of Lebanon Township management operations, and the residents of the county, and
WHEREAS, stormwater runoff is a significant contribution to flooding, solid waste and streets in Lebanon Township, and further damages the Raritan River, and the Raritan River Action Plan (*Reclaiming the Raritan: a Restoration and Sustainable Reuse Plan*) encourages improvements in this area, and
WHEREAS, the overall restoration and protection of the watershed area that provides water to Lebanon Township residents and the Raritan River should be promoted, and
WHEREAS, redevelopment needs to provide economic benefits without further damaging, and ideally restoring, the ecology of the Raritan River and Lebanon Township,
THEREFORE, BE IT RESOLVED: That Lebanon Township's Committee support in concept the Sustainable Raritan River Initiative, and as an active member of the Raritan River Collaborative to promote efforts to restore and protect the River in accordance with the goals as outlined in the Sustainable Raritan River Action Plan.

Resolution No. 26-2012 – Deferral of School Taxes

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 26-2012 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION NO. 26-2012**

WHEREAS, the provisions of C.63, P.L.1991 (The Supplemental Municipal Property Tax Relief Act) under Section 13 required municipalities whose school tax year is on a fiscal basis to defer twenty-five (25) per cent of the maximum allowable amount and anticipate it into their budget over a four (4) year period beginning in budget year 1991, and ending in budget year 1994 as additional Municipal surplus to offset the local property tax levy for local purposes; and,

WHEREAS, the provisions of C.63, P.L.1991 were amended in calendar year 1993 that changed the mandatory provision of the use of this deferred school tax to a permissive provision; and,

WHEREAS, the revised provisions for electing to utilize the deferred school tax require the governing body to make such election by introduction of the municipal budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Lebanon that election be made to defer school taxes as of December 31, 2012, and be reflected in the Annual Financial Statement for the year 2012 as follows:

	<u>FY 11-12</u> <u>SCHOOL LEVY</u>	<u>MAXIMUM AMOUNT</u> <u>OF DEFER TAX</u>
Local School Tax	\$10,356,595	\$5,178,297.50
TOTAL MAXIMUM DEFER TAX 12/31/11		5,303,297.50
LESS – DEFER TAX 12/31/10		2,896,263.38
INCREASE IN MAXIMUM DEFER TAX ALLOWABLE FOR CALENDAR YEAR 2012		\$2,282,034.12
ACTUAL AMOUNT INCREASE OF DEFERRED AT 12/31/11		\$670,000

Resolution No. 27-2012 - Appointing Hunterdon Humane Shelter

Motion by Mr. Milkowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 27-2012 as written below.

**TOWNSHIP OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
RESOLUTION 27-2012
RESOLUTION APPOINTING
THE HUNTERDON HUMANE ANIMAL SHELTER**

WHEREAS, the Township of Lebanon requires the service of Animal Control Officer; and
WHEREAS, a member of the Township Committee secured quotes from three separate providers; and

WHEREAS, the Hunterdon Humane Animal Shelter has agreed to provide animal control services to the Township of Lebanon for an amount less than the bid threshold; and

WHEREAS the Hunterdon Humane Animal Shelter does not euthanize animals after seven days of captivity; and

WHEREAS, other animal shelters cause animals to be euthanized after seven days; and

WHEREAS, the Mayor and Committee have concluded that euthanization within seven days could lead to the inadvertent destruction of family pets.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Lebanon, County of Hunterdon, New Jersey, that the Township selects the Hunterdon Humane

Animal Shelter to act as Animal Control Officer for the Township in accordance with a contract that is attached hereto.

IT IS FURTHER RESOLVED, that the Hunterdon Humane Animal Shelter shall comply with all statutes and regulations of the State of New Jersey pertaining to animal control services.

OLD BUSINESS

DPW Garage Project

Attorney Cushing stated that the concrete basins which were left on the DPW site by the previous contractor are in question. A voucher was submitted for payment and was subsequently approved by the contractor and the Committee. The payment was held by the Township once issues began with the contractor. The Committee believes that what was delivered to the Township's job site became the property of the Township.

Motion by Mr. Milkowski, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee directed that Architect to use any materials that are on site.

Ms. Schriver stated that she would like the Committee to move forward with constructing the five bays at the DPW site. Ms. Schriver stated that the DPW more than any other department in the Township, is always looking for grant money. Ms. Schriver stated that it is poor management on behalf of the Committee not to construct the bays.

Mayor Wunder stated that there is obviously a split in Committee opinion relative to the five bays. He does not feel that they are a lot of money. He questioned if there were a need for the bays.

Mr. Milkowski stated that he feels that the Township would be better with a pole barn. The cost would be approximately \$112,000.00 as opposed to \$224,000.00 for the five bays. Mr. Milkowski stated that he would like to see solar panels added to the garage.

Mr. McKee does not feel that the five bays are necessary.

Polt Property Acquisition

Ms. Schriver stated that she has given a lot of thought to Mr. Polt's proposal. She stated that at first she believed it to be a win, win for the Township. However, Ms. Schriver has concerns with taking another property off of the tax rolls and raised concerns with environmental issue. Mr. Schriver stated that she is not sure if the Township needs another parcel of land.

Mr. Milkowski stated that he feels that a structure can be put on the property and the Committee needs to look farther ahead. Mr. Milkowski agrees that the property is clean and thinks that the Committee should wait for the results from the environmental report.

Mr. Wunder stated that he feels that acquiring the property can be a potential liability for the Township and is not convinced that the Township needs it.

Mr. McKee stated that he feels that the property has short term potential for storage and equipment. The exterior site of the, in the long term, will need work. Mr. McKee stated that he would like to see what

alternate land uses are available to the Township. Mr. McKee noted that he is not ready to give up on the opportunity.

Mr. Morrison stated that he agrees with Mr. McKee.

Mayor Wunder moved to cease from moving forward with the Polt acquisition, seconded by Ms. Schriver. Motion failed. AYES: Schriver, Wunder NAYS: Milkowski, McKee, Morrison

Attorney Cushing stated that his office drafted a proposed contract and Mr. Polt's attorney, Jim Lance is fine with it. At this time we are waiting for the environmental evidence from Mr. Polt. The report will then be passed off to the Township's environmental experts.

Municipal Court of North Hunterdon Lease Agreement – Amendment

The Court Administrator has sent a copy of an amended Interlocal Services Agreement to the Township Committee for their consideration. The amendments relate to any Town who would like to withdraw from the Court system and each Town's responsibility in sharing the lease payments.

Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the MCNH Interlocal Services Agreement as proposed.

Township Dinner – Location

The Township Dinner will be held at the Riverview Banquet Facility in the Bloomsbury Fire House on April 14, 2012.

Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee approved the Riverview contract and authorized the Mayor to sign.

Buffalo Hollow Road

Mayor Wunder stated that he called the Hunterdon County Department of Roads and Bridges and discussed the concerns raised regarding drainage in the area. The County will look into the matter.

Cameras in Municipal Building

Discussion was held on the placing security cameras in the municipal office.

Motion by Mr. Milkowski, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee authorized the Police Chief to evaluate the installation of security cameras at the doors of the Municipal Office.

The Mayor will speak to the Police Chief.

Cell Tower

Attorney Cushing stated that he will be discussing the Cell Tower matter with the Township Committee in Executive Session. Attorney Cushing stated that there is peculiar language in the Co-locator Agreement. Cellco agrees and stated that they are open to changes in the agreement if it has not been signed.

NEW BUSINESS

Memo- Request to Schedule Joint Planning Board Meeting

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee agreed to meet with the Planning Board on February 28, 2012 at 7:00 p.m. to discuss the next phase of the Highlands Grant.

Mayor to Authorize Deputy Mayor to Perform Marriages/Civil Union

Mayor Wunder has decided not to officiate over Marriages or Civil Unions and authorized the Deputy Mayor to do so.

Motion by Mr. McKee, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee

Warren Newman – Floodplain Issues

Motion by Mr. Milkowski, seconded by Mr. Morrison and carried by unanimous favorable roll call vote, the Township Committee

Mr. Warren Newman was present to inform the Committee that he must step down as Floodplain Manager as it has become a very taxing position. Mr. Newman stated that the role consists of communicating with the Zoning Officer and the Construction Code Official and determining if properties are located in the Floodplain.

Mr. Newman informed the Committee that in September 2009 the flood maps were updated. New Jersey is on the forefront with this issue. Hunterdon County had all maps updated digitally. The Floodplain Manager fields all calls coming into the Township regarding floodplain matters as well as dealing with FEMA damage claim.

There are three properties on River Road that are involved in FEMA claims from recent storms. Possibly, two are considered substantial damage properties.

Mr. Newman stated that the position now needs to be filled and noted that Engineer Steve Risse is willing and capable to be the Floodplain Manager for the Township.

The Township Committee thanked Mr. Newman for the time he has given to the Township.

COMMITTEE REPORTS

MAYOR –

Municipal Court of North Hunterdon – There is an amendment to the proposed Interlocal Services Agreement which the Committee approved at this meeting.

Local School District- There is a possible resolution for the school Elections to be moved to the General Election in November. The School Board is meeting on February 14, 2012 and will vote on such. There is a Fifth Grade open house tomorrow evening. The School is holding a Souper Bowl Food Drive. The Mayor spoke to Freeholder Walton regarding flashing school lights that are not working on the County Road and was informed that this is a Township matter not the County's.

Insurance – The Mayor did not check with Groendyke on the question of insurance relative to the Fire Station #1 remediation.

Shared Services - The Mayor attended a meeting regarding Shared Services. Interested parties can find information at www.fairschoolfunding.com. Future shared services discussion will be relative to Animal Control, Shared Detectives and Department of Public Works assisting each other.

DEPUTY MAYOR-

Public Works- The DPW chipped 98 loads of branches which add up to 1176 yards and 1960 man hours due to storm damage from the October 2011 snowstorm.

Planning Board – The Planning Board has not held a meeting.

Highlands – The Township Committee will be having a joint meeting with the Planning Board and the Planner to discuss the next phase of the Highlands Grant.

COMMITTEEWOMAN SCHRIVER–

Administration & Finance – Budget meeting dates need to be considered for the next meeting.

Grants- Ms. Schriver is looking into grant applications for the park and trails. There may also be a grant program with the County concerning larger trees.

Environmental Matters- Quest Environmental is reviewing materials from the Fire Station #1 remediation.

COMMITTEEMAN MORRISON –

Police, Fire and Rescue- Mr. Morrison stated that they are working on the PBA contract.

COMMITTEEMAN MCKEE –

Standing Committees- Mr. McKee attended a LTOES meeting and found it to be interesting. The members have their eye on a piece of land by Point Mountain. Mr. McKee stated that he will be looking into Sustainable New Jersey.

PRESENTATION OF VOUCHERS

Committee Members provided a description of vouchers exceeding \$1000.00.

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee approved the Feb 1, 2012 bill list in the amount \$945,093.83.

CORRESPONDENCE

Township Historians Meeting Minutes for the Month of January 2012

Tax Collector's Annual Report 2011

PUBLIC COMMENTS

Motion by Ms. Schriver, seconded by Mr. McKee and carried by unanimous favorable roll call vote, the Township Committee opened the Public Comment portion of the meeting.

Mr. E.J. Skidmore asked the Township Committee if they discussed putting up a pole barn in the past. He stated that he finds it concerning that the Committee agreed to one building as suggested by the DPW then changed it now.

Mr. Skidmore suggested that the Township Committee pass a resolution for school board purposes.

Mr. Skidmore suggested that email addresses be added to the webpage. Mayor Wunder stated the he is working on making changes to the website.

Mr. Fred Schlesinger asked for a status report on the Squad. Mayor Wunder stated that he received a letter from Tino DeSantis requesting to meet with non-associated members, Mr. Morrison and Mr. McKee. Attorney Cushing provided Mr. Schlesinger with an overview on the history of the Squad matter.

Mr. Anthony Casale stated that he does not think that the Township should be abandoning the offer made by Mr. Polt for his property. Mr. Casale stated that he remembers when the Township was looking for an alternate site for the DPW facility.

Mr. Casale stated that regarding the Cell Tower matter, he does not believe that the Township should have any involvement in the generator maintenance. He stated that portions of the Co-locator

Agreement are questionable and feel that the Cell Tower Company probably prepared the agreement. Relative to the matters of interference, Mr. Casale feels that this is a material breach and there should be a Waiver of Subrogation. It should not be listed in the agreements; the Cell Tower Company should be responsible for their own equipment. Mr. Casale stated that he feels that the Co-locator Agreement should be subordinate for the Master Lease.

Ms. Nancy Darois commended the Committee for informing the public as to what is going on stated that she wants them to look into the Polt Property.

Mr. Dewey Polt thanked the Township Committee for considering his offer and will get required information to Attorney Cushing. Mr. Polt is hopeful that the Phase I Environmental Study will be done in a few weeks.

Mr. Casale thanked Mr. Newman for his contribution to the Township.

Motion by Ms. Schriver, seconded by Mr. Milkowski and carried by unanimous favorable roll call vote, the Township Committee closed the Public Comment portion of the meeting.

EXECUTIVE SESSION

Motion by Ms. Schriver, seconded by Mayor Wunder and carried by unanimous favorable roll call vote, the Township Committee approved Resolution No. 28-2012 and convened in executive session at 9:12 p.m.

TOWNSHIP OF LEBANON RESOLUTION NO. 28-2012

BE IT RESOLVED by the Mayor and Township Committee of the Township of Lebanon, that in compliance with N.J.S.A. 10:4-12, this meeting will be closed to the Public to discuss the following matters:

Collective Bargaining
Contract Negotiations
Ongoing Litigation – Hyland

The Township Committee reconvened the Regular Committee meeting at 9:43p.m.

Attorney Cushing stated that during the Executive Session the Township Committee discussed the status of the Cell Tower negotiations, Collective Bargaining with the PBA, the Hyland matter and the First Aid Squad.

Mr. McKee and the Clerk will be meeting the Squad.

Having no further business to come before the Committee a motion was made by Mr. Milkowski, seconded by Ms. Schriver and carried by unanimous favorable roll call vote to adjourn the meeting at 9:46 p.m.

Respectfully submitted,

Karen J. Sandorse, RMC/CMC
Municipal Clerk

Approved: February 15, 2012

Brian Wunder, Mayor